

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BANCO DO BRASIL, S.A.,

Plaintiff

v.

275 WASHINGTON STREET CORP.,  
as it is the Trustee of the WASHINGTON  
STREET REALTY TRUST II,

Defendant

CIVIL ACTION NO. 09-11343-NMG

**DEFENDANT'S MOTION TO COMPEL PRODUCTION OF  
PRIVILEGED DOCUMENTS BASED ON PLAINTIFF'S WAIVER  
OF ANY APPLICABLE PRIVILEGE**

Pursuant to Fed. R. Civ. P. 37(a)(1), Defendant 275 Washington Street Corp., as Trustee of the Washington Street Realty Trust II (the "Trust"), hereby moves to compel the production of a limited category of documents that plaintiff claims are protected from disclosure by the attorney-client privilege and/or work product doctrine. The Trust is entitled to communications between plaintiff Banco do Brasil, S.A. (the "Bank") and its attorney, Kathleen Scott, on the subject of the Bank's efforts to obtain regulatory approval because the Bank has introduced Attorney Scott's role in that process and her communications with the Bank as issues in this case, thereby waiving any applicable attorney-client privilege. As grounds for this motion, The Trust relies on and incorporates fully herein its Memorandum of Law in Support of its Motion to Compel Production of Privileged Documents.

WHEREFORE, the Trust respectfully requests that this Court order that the Bank produce all documents identified in the Bank's privilege log that concern

communications between Attorney Scott and the Bank concerning the Bank's efforts to secure regulatory approval.

**LOCAL RULE 7.1 CERTIFICATION**

Pursuant to Local Rules 7.1(A)(2), undersigned counsel states that they conferred with plaintiff's counsel to resolve or narrow the issues presented in this motion.

Respectfully submitted,

275 WASHINGTON STREET CORP., as it  
is the Trustee of the WASHINGTON STREET  
REALTY TRUST II,

By its attorneys,

/s/ Paul E. White

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Dated: May 25, 2011

CERTIFICATE OF SERVICE

I, Paul E. White, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 25, 2011.

/s/ Paul E. White  
Paul E. White

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